

### § 336.3

### 20 CFR Ch. II (4–1–08 Edition)

or her days of unemployment within a benefit year, in an amount greater than the amount of his or her base year compensation, as computed under § 336.4 of this part.

(c) *Unemployment due to a strike.* The limitations set forth in paragraphs (a) and (b) of this section also apply to an employee whose unemployment is due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed. But no unemployment benefits are payable for the employee's first 14 days of unemployment due to such stoppage of work.

#### § 336.3 Duration of normal sickness benefits.

The duration of normal sickness benefits is the same as the duration of normal unemployment benefits, as set forth in § 336.2 of this part. A qualified employee who has satisfied the benefit year waiting period and is otherwise eligible for sickness benefits may receive benefits for a maximum of 130 days of sickness within a benefit year, but the amount paid as sickness benefits may not exceed the amount of the employee's base year compensation, as computed under § 336.4 of this part.

#### § 336.4 Base year compensation.

(a) *Formula.* For the purposes of this part, an employee's base year compensation includes any compensation in excess of the monthly compensation base (as defined in part 302 of this chapter) for any month in the applicable base year but shall not include any amount that exceeds the value of "X" in the following formula:  $X = \$775(A/\$600)$ . In this formula, "A" is the dollar amount of the monthly compensation base with respect to months in such base year. For example, if an employee had railroad earnings of \$1,500 per month in each of three months in base year 1990, the employee's base year compensation for purposes of part 302 of this chapter would be \$2,235 (three times the monthly compensation base of \$745 per month for months in 1990). But the employee's base year compensation for purposes of computing maximum normal unemployment (or sickness) benefits under this subpart would be \$2,886 (three times \$962), and

his or her normal unemployment (or sickness) benefits would not be considered exhausted until he or she is paid unemployment (or sickness) benefits in an amount equal to \$2,886. In this example, \$962 is the amount computed as the value of "X" in the above formula when "A" is equal to \$745.

(b) *Employer's duty to report.* The base year employer(s) of an employee shall provide information as to the amount of an employee's monthly compensation in excess of the monthly compensation base, as defined in part 302 of this chapter, unless the amount of the employee's compensation at the monthly compensation base limit, as already reported to the Board, is equal to or greater than an amount equal to 130 times the daily benefit rate applicable to the employee's days of unemployment or days of sickness.

(Approved by the Office of Management and Budget under control number 3220-0070)

#### § 336.5 Notice to employee.

The Board will notify an employee when it appears that his or her right to normal unemployment or normal sickness benefits will be exhausted. Such notice will include information about the availability of extended benefits under subpart B of this part if the employee has completed 10 years of railroad service and the availability of normal benefits for the next ensuing benefit year if the employee is not eligible for extended benefits.

### Subpart B—Extended Benefits

#### § 336.10 Eligibility.

(a) Except as provided in paragraph (b) of this section, an employee may receive extended unemployment or extended sickness benefits under this part if he or she:

(1) Has exhausted normal unemployment or normal sickness benefits (as the case may be) under subpart A of this part;

(2) Has completed 10 years of railroad service, as set forth in § 336.13 of this part; and

(3) Continues to have days of unemployment or days of sickness, as the case may be.